



UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES
BOX INTERFERENCE, WASHINGTON, D.C. 20231

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MAILED

SEP 29 2006

PAT. & T.M. OFFICE
BOARD OF PATENT APPEALS
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Applicants: Barany et al.
Application No.: 09/986,527
Filed: 11/09/01
For: Detection of nucleic acid sequence
differences using the ligase detection
reaction with addressable arrays

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,351.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/ss/ Sally Gardner Lane
SALLY GARDNER LANE
Administrative Patent Judge

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Filed 29 September 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

FRANCIS BARANY,
GEORGE BARANY, ROBERT P. HAMMER,
MARIA KEMPE, HERMAN BLOK, and MONIB ZIRVI
Junior Party
(Application 09/986,527),

MAILED

v.

SEP 29 2006

GLENN H. McGALL,
CHARLES G. MIYADA, MAUREEN T. CRONIN,
JENNIFER D. TAN, and MARK S. CHEE
Senior Party
(Patent 6,156,501).

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BOARD OF PATENT APPEALS
AND INTERFERENCES

Patent Interference No. 105,351
(Technology Center 1600)

DECLARATION - Bd.R. 203(b)¹

Part A. Declaration of interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application(s), patent (if any), reissue application (if any), count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 **Part B. Judge managing the interference**

2 Administrative Patent Judge Sally Gardner Lane has been designated to
3 manage the interference. Bd. R. 104(a).

4 **Part C. Standing order**

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 **Part D. Initial conference call**

8 A telephone conference call to discuss the interference is set for **2:00 p.m. on**
9 **21 November 2006** (the Board will initiate the call).

10 No later than **four business days** prior to the conference call, each party shall
11 file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as Form 2
14 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to
15 the conference call and to agree on dates for taking action. A typical motion period
16 lasts approximately eight (8) months. Counsel should be prepared to justify any
17 request for a shorter or longer period.

Part E. Identification and order of the parties

Junior Party

Named inventors: Francis Barany
New York, NY

George Barany
Falcon Heights, MN

Robert P. Hammer
Baton Rouge, LA

Maria Kempe
Lund, Sweden

Herman Blok
Wemeldinge, Netherlands

Monib Zirvi
New York, NY

Involved Application: 09/986,527, filed 9 November 2001

Title: DETECTION OF NUCLEIC ACID SEQUENCE
DIFFERENCES USING THE LIGASE DETECTION
REACTION WITH ADDRESSABLE ARRAYS

Assignee: Cornell Research Foundation, Inc.

Regents of the University of Minnesota

Board of Supervisors of Louisiana State University
and Agricultural and Mechanical College

Senior Party

Named Inventors: Glenn H. McGall
Mountain View, CA

Charles G. Miyada
Mountain View, CA

Maureen T. Cronin
Los Altos, CA

Jennifer D. Tan
Newark, CA

Mark S. Chee
Palo Alto, CA

Involved Patent: 6,156,501, issued on 5 December 2000, based on
application 08/630,427, filed 3 April 1996

Title: ARRAYS OF MODIFIED NUCLEIC ACID PROBES
AND METHOD OF USE

Assignee: Affymetrix, Inc.

The senior party is assigned exhibit numbers 1001-1999. The junior party is
assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1); SO ¶ 154.2.1. The senior
party is responsible for initiating settlement discussions. SO ¶ 126.1.

Part F. Count and claims of the parties

Count 1

Any of claims 15, 25, 28, 35, 36, or 37 of Barany (09/986,527)

or

Any of claims 1, 26, 35, 51 or 58 of McGall (6,156,501)

1 The claims of the parties are:

2 Barany: 15, 17-25, 27, 28, 30, 32, and 35-37

3 McGall: 1-72

4 The claims of the parties which correspond to Count 1 are:

5 Barany: 15, 17-25, 27, 28, 30, 32, and 35-37

6 McGall: 1-72

7 The claims of the parties which do not correspond to Count 1, and therefore are
8 not involved in the interference, are:

9 Barany: None

10 McGall: None

11
12 The parties are accorded the following benefit for Count 1:

13 Barany:

14 US 08/794,851, filed 4 February 1997,
15 issued as 6,852,487 on 8 February 2005

16
17 US 60/011,359, filed 9 February 1996

18
19 McGall:

20 US 08/440,742, filed 10 May 1995

21
22 **Part G. Heading to be used on papers**

23 The following heading must be used on all papers filed in this interference, see
24 SO ¶ 106.1.1:
25

1 UNITED STATES PATENT AND TRADEMARK OFFICE

2
3
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5 AND INTERFERENCES
6

7
8 FRANCIS **BARANY**,
9 GEORG BARANY, ROBERT P. HAMMER,
10 MARIA KEMPE, HERMAN BLOK, and MONIB ZIRVI
11 Junior Party
12 (Application 09/986,527),
13

14 v.

15
16 GLENN H. **McGALL**,
17 CHARLES G. MIYADA, MAUREEN T. CRONIN,
18 JENNIFER D. TAN, and MARK S. CHEE
19 Senior Party
20 (Patent 6,156,501).
21
22 Patent Interference No. 105,351
23 (Technology Center 1600)
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26
27 **Part H. Order form for requesting file copies**

28 When requesting copies of files, use of SO Form 4 will greatly expedite
29 processing of the request. Please attach a copy of Parts E and F of this
30 DECLARATION with a hand-drawn circle around the patents and applications for which
31 a copy of a file wrapper is requested.
32

/Sally Gardner Lane/
Administrative Patent Judge

Enc:

Copy of STANDING ORDER
Form PTO-850
Copy U.S. Patent 6,156,501
Copy of claims of US 09/986,527

Revised 3 January 2006

cc (via overnight delivery):

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